

10/500310 ENT COOPERATION TREATY
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WIPO PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

App	licant	s or ag	ent's file reference	FOR FURTHER		See Notification	n of Transmittal of Interna	ational	
247	78PT	WO/e	r	FOR FURTHER	ACTION	Preliminary Ex	amination Report (Form I	PCT/IPEA/416)	
International application No. PCT/EP 03/03126				International filing date 26.03.2003	e (day/mon	th/year)	Priority date (day/mont) 28.03.2002	h/year)	
Inter	nation	nal Pat	ent Classification (IPC) or bo	l oth national classification	and IPC		<u> </u>		
C08G85/00, C08G85/00									
Appl	licant								
N.P.T. S.R.L. et al									
1.	<ol> <li>This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</li> </ol>								
2.	This	REP	ORT consists of a total o	f 4 sheets, including	this cover	sheet.			
		This	report is also accompan	ied by ANNEXES i e	sheets o	of the description	n Claime andbr drawi	nga which have	
	_	bee	n amended and are the be Rule 70.16 and Section	asis for this report an	d <i>l</i> or sheet	is containing re	ectifications made hefo	re this Authority	
	The		nexes consist of a total o				<u> </u>		
3.	This	repor	t contains indications rel	ating to the following i	tems:				
	,	×	Basis of the opinion	g					
	'n		Priority						
	 III		Non-establishment of o	ninion with regard to r	novelty in	ventive etan a	nd industrial applicabili	<b>.</b> .	
	IV		Lack of unity of invention		iovolty, iii	ventive step at	na maastiai appiicabiii	ıy	
	٧	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement							
	VI		Certain documents cited						
	ΛII		Certain defects in the in	ternational application	า				
	VIII		Certain observations on	the international app	lication				
Date of submission of the demand					Date of c	completion of this	s report		
27.10.2003						2004			
Name and mailing address of the international						ed Officer			
prelim	inary		ning authority: opean Patent Office					September Polanian . E.	
D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d						Rebollo, J		(0))	
Fax: +49 89 2399 - 4465					Telephon	ie No. +49 89 23	399-8670		
								- collice	



International application No.

PCT/EP 03/03126

i.	<b>Basis</b>	of the	report

1. With regard to the **elements** of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)):

	De	Description, Pages								
	1-3	33	as originally filed							
	Cl	aims, Numbers								
	1-1	15	as originally filed							
2	. Wi lan	With regard to the <b>language</b> , all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.								
	Th	ese elements were a	vailable or furnished to this Authority in the following language: , which is:							
		the language of a tr	anslation furnished for the purposes of the international search (under Rule 23.1(b)).							
		the language of publication of the international application (under Rule 48.3(b)).								
		the language of a tr Rule 55.2 and/or 55	anslation furnished for the purposes of international preliminary examination (under .3).							
3.	Wit inte	th regard to any <b>nucl</b> e ernational preliminary	eotide and/or amino acid sequence disclosed in the international application, the examination was carried out on the basis of the sequence listing:							
		contained in the inte	ernational application in written form.							
		filed together with th	e international application in computer readable form.							
		furnished subseque	ntly to this Authority in written form.							
		furnished subseque	ntly to this Authority in computer readable form.							
	he subsequently furnished written sequence listing does not go beyond the disclosure application as filed has been furnished.									
		The statement that t listing has been furn	he information recorded in computer readable form is identical to the written sequence ished.							
4. The amendments have resulted in the cancellation of:										
		the description,	pages:							
		the claims,	Nos.:							
		the drawings,	sheets:							
5.		This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).								
		(Any replacement sh report.)	eet containing such amendments must be referred to under item 1 and annexed to this							
6.	Add	itional observations, i	f necessary:							



International application No.

PCT/EP 03/03126

- V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- 1. Statement

Novelty (N)

Yes: Claims

1-15

No: Claims

Inventive step (IS)

Yes: Claims

Na. Olaima

No: Claims

\_. .

1-15 1-15

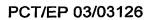
Industrial applicability (IA)

Yes: -Claims

No: Claims

2. Citations and explanations

see separate sheet



## Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: WO-A- 98/29462 D2: EP-A-0 031 397 D3: US-A-4 231 956

The subject-matter of claims 1 to 15 of the present application is obviously derivable (Article 33(3) PCT) from the cited prior art (see passages cited in the search report) as the solution of the invention, namely the use of hydrogen sulphide in the place of the dithiols of D1 to avoid unpleasant odours in the polymers of D1 is known from D2 (see in particular the passage common to pages 5 and 6 and examples 2 and 3) so that the incorporation of this teaching in the silane-terminated polymers of D1 is a matter of routine for those skilled in the art. Furthermore, the particular basic catalysts used in the process recited in claims 14 and 15 of the application are also known (see D3). Although applicants have argued that different polymer structures and an improved weatherability of the crosslinked polymers (which as a matter of fact was not disclosed in the application) result from the substitution of hydrogen sulphide for the thiols of D1, the fact of the matter remains that there is apparently no other alternative to solve the problem underlying the application (ie the avoidance of unpleasant odours) but to replace the dithiols of D1 by hydrogen sulphide as taught by D2. In other words, the present case is a one-way street situation.